

United States District Court, Northern District of Illinois

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| Name of Assigned Judge or Magistrate Judge | Samuel Der-Yeghiayan | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 10 C 4766 | DATE | 9/23/2010 |
| CASE TITLE | Martin McCoy (R-60669) vs. State Of Illinois | | |

DOCKET ENTRY TEXT

For the reasons stated below, Petitioner's motion for extension of time to file motion for leave to proceed in forma pauperis [5] is granted. Based on Petitioner's representations, we grant Petitioner until October 22, 2010 to either pay the filing fee or file a properly completed in forma pauperis application form. If Petitioner pays the filing fee or files a properly completed in forma pauperis application form by October 22, 2010, the instant action will be reinstated. However, Petitioner is warned that failure to pay the filing fee or file a properly completed in forma pauperis application form by October 22, 2010 will result in the denial of reinstatement of the instant action.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This matter is before the court on Petitioner Martin McCoy's (McCoy) request for an extension of time to file a motion for leave to proceed *in forma pauperis*. On July 29, 2010, McCoy filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. However, McCoy neither paid the filing fee nor filed a motion for leave to proceed *in forma pauperis*. In an order dated August 4, 2010, we notified McCoy that he must either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form by August 24, 2010. We also warned McCoy that if he failed to either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form by August 24, 2010, this action would be dismissed. The deadline passed, and McCoy neither paid the filing fee nor filed an *in forma pauperis* application form. Therefore, on August 25, 2010, we dismissed the instant action.

The docket reflects that on August 27, 2010, McCoy filed a letter requesting an extension of time to file an *in forma pauperis* application form. Since McCoy is a *pro se* petitioner, his letter to the court will be construed liberally as a motion. Based on McCoy's representations, we grant McCoy until October 22, 2010 to either pay the filing fee or file a properly completed *in forma pauperis* application form. If McCoy pays the filing fee or files a properly completed *in forma pauperis* application form by October 22, 2010, the

STATEMENT

instant action will be reinstated. However, McCoy is warned that failure to pay the filing fee or file a properly completed *in forma pauperis* application form by October 22, 2010 will result in the denial of reinstatement of the instant action.